

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	Case Number:
v.)	
)	1:19-CR-00297-ELR-JSA
PETER TARANTINO,)	
)	
Defendant.)	

MOTION FOR INDICATIVE RULING
REGARDING AMENDMENT 821 SENTENCE REDUCTION

Peter Tarantino is eligible for a zero-point offender reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2) and USSG 4C1.1(a). However, because this case is currently on appeal in the Eleventh Circuit, we urge the court to issue an “indicative” ruling that would prompt the Eleventh Circuit to remand the case to this court to empower this court to enter an order reducing the sentence, after which the case will be returned to the Eleventh Circuit to rule on the appeal. *See* Fed.R.Crim.P. 37. The government consents to this motion and will consent to the reduction if the court indicates she is reception to a reduction and has jurisdiction to do so.

Peter Tarantino was convicted of conspiracy to defraud the United States 18 USC §371), and two counts of aiding the filing of a false tax return (26 U.S.C. §7206(2).

The court ultimately concluded that the appropriate guideline range was Level 22, with a Criminal History Category I. This prescribed a sentencing range of 41-51 months. The court imposed a sentence of 36 months, five months below the low end of the Guidelines. (Doc 330).

Pursuant to the zero-point offender guideline (U.S.S.G. 4C1.1) Mr. Tarantino is eligible to have his final guideline range reduced by two levels, resulting in a final range of Level 20. The amended sentence range would be 33-41 months. This empowers the court to reduce Mr. Tarantino's sentence to 33 months, the low end of the amended guideline range.

The USPO chart with the guideline calculations is attached to this motion as Exhibit 1.

For all the reasons that were urged at the sentencing hearing, as well as this court's decision to sentence Mr. Tarantino below the initial guideline range, Mr. Tarantino's sentence should be reduced to 33 months. In addition, the court should note that the government has verified that all financial obligations of the sentencing judgment (fine and special assessment) have been satisfied (Doc. 391).

For the foregoing reasons, Mr. Tarantino urges the court to issue an indicative ruling that informs the Eleventh Circuit that this court will reduce the sentence to 33 months if the appellate court remands the case for that purpose.

This 5th day of June, 2024.

RESPECTFULLY SUBMITTED,

GARLAND, SAMUEL & LOEB, P.C.

/s/ Donald F. Samuel

DONALD F. SAMUEL, ESQ.

Georgia Bar No.: 624475

Counsel for Defendant Tarantino

3151 Maple Drive, N.E.
Atlanta, Georgia 30305
Tel.: 404-262-2225
Email: dfs@gsllaw.com

CONSENTED TO:

/s/ Sarah Klapman

Sarah Klapman, AUSA

Ga Bar # 437221

U.S. ATTORNEY'S OFFICE

Richard B. Russell Federal Building

75 Ted Turner Dr. SW

Suite 600

Atlanta, GA 30303-3309

Tel: (404) 581-6000

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the within and foregoing **MOTION FOR INDICATIVE RULING REGARDING AMENDMENT 821 SENTENCE REDUCTION** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

This 5th day of June, 2024.

RESPECTFULLY SUBMITTED,

GARLAND, SAMUEL & LOEB, P.C.

/s/ Donald F. Samuel
DONALD F. SAMUEL, ESQ.
Georgia Bar No.: 624475
Counsel for Defendant Tarantino

3151 Maple Drive, N.E.
Atlanta, Georgia 30305
Tel.: 404-262-2225
Email: dfs@gslaw.com